

**HAMPTON BOARD OF SELECTMEN  
SELECTMEN'S MEETING ROOM  
APRIL 23, 2007 – 7:00 PM**

**PRESENT:** Ben Moore, Chairman  
Bill Lally, Vice Chairman  
Virginia Bridle-Russell  
James Workman  
Fred Welch, Town Manager  
Maureen Duffy, Administrative Assistant

**REGRETS:** Rick Griffin

**Chairman Moore called the meeting to order at 7:00PM and introduced those in attendance**

**SALUTE TO THE FLAG**

A moment of silence was held in honor of Richard True (father of Fire Prevention Officer Jon True) who recently passed away.

**I. ANNOUNCEMENTS AND COMMUNITY CALENDAR**

Mr. Workman announced that the New Hampshire Division of Economic Development in coordination with local economic development organizations has a hotline (1-800-417-4110) for businesses that were affected by the flood. Residents who have been affected by the flood may call 1-800-458-2407.

Chairman Moore announced that the Mosquito Control program began today, April 23, 2007 in the Town of Hampton. Crews will begin spraying swamps, ditches and stagnant water for mosquito larvae. Residents who do not want their property treated must contact Dragon Mosquito Control (Box 46, Stratham, NH 03885) in writing. He also reminded residents that the Hampton Beach Area Commission will be meeting this Thursday, April 26, 2007 at the Police Station at 7PM.

**II. APPOINTMENTS**

**1. GARY & KATHERINE KEER – SEWER CONNECTION**

Gary and Kathy Keer came before the Board of Selectmen to discuss their property issue at 7F Boston Avenue. The Keer's provided the Selectmen a packet with detailed information explaining their concern about the new sewer connection on Hampton Beach. The Boston Four Condominium has four units that all share the same sewer line. Mr. and Mrs. Keer are concerned about an alleged illegal underground bathroom/cellar unit in the

9R condominium unit (increasing the number of units to five). The Keers claim that the construction of the additional unit was not issued building permits or approval from the condominium association. A hold/harmless form is required by the Boston Four Condominium in order to proceed with a back flow valve for this bathroom. At this time the Keers are not interested in signing this form until the Town corrects the alleged violation of the bathroom in question.

Mr. and Mrs. Keer have come before the Board in hope of resolving the additional unit and illegal bathroom that they believe the Town allowed.

The Selectmen would like to get both sides of the story from the Building Inspector prior to making any decisions. They hope to have a decision made within the next week or two.

### **III. MINUTES – APRIL 16, 2007**

The April 16, 2007 minutes stand as distributed.

### **IV. OLD BUSINESS**

#### **1. TOWN MANAGER'S REPORT**

The week started with the Emergency Management Director opening the Emergency Operations Center (EOC) in the Police Station conference room in preparation of the multi-day Northeaster that was forecast for the seacoast. The community experienced flooding in various areas due to the storm surge and higher than normal scheduled high tides. Extensive flooding occurred in the marsh areas and in the beach area. The Emergency Shelter was opened and several residents made use of this resource. The National Guard was requested and provided by the Governor to assist in traffic control and voluntary evacuation assistance.

Due to the potential for flooding the EOC was located on the second floor of Police Headquarters. Shortly before the first high tide the Fire Headquarters was evacuated due to flooding. This was a two day rolling event with roads being closed, opened and closed again. Evacuations continued on a voluntary basis during the continuing event. On Wednesday morning two seawalls were lost between 1056 and 1068 Ocean Boulevard resulting in a massive effort by the Town, County, State and Federal officials and agencies to save the properties that were in danger of falling into the Atlantic Ocean. We were successful in preventing the loss of these structures and the subsequent environmental damage that would have resulted. We are now coordinating recovery efforts and funding.

Mr. Welch has signed an extension of one year with the NH Coastal Program for their required comments on the renewal of the Town's US Environmental Protection Agency (EPA) wastewater discharge permit. The Coastal Programs report to the EPA and DES for renewal is required under Federal Law but cannot begin until the EPA has advised the Program of their recommended actions on the permit. Since that has not happened the extension is necessary to avoid the progress of the program.

The annual leaf collection program will take place the week of April 30<sup>th</sup>. Please have soft yard wastes (leaves, grass, clippings, pine needles, etc.) in biodegradable bags or loose in barrels at the curb on your

regular rubbish collection day. Brush and limbs are not to be put out for collection but should be brought to the Transfer Station with a maximum diameter of 6 inches.

The weight limit posting on Town roads was removed by the Town Public Works Department.

The American Red Cross has provided flood damage clean-up kits that are available through the Town Manager's Office on a first come, first served basis for as long as they last.

The Town did experience a solids overflow from the wastewater clarifiers at the wastewater treatment facility on April 16<sup>th</sup> due to storm surges that represented a total outflow of 3,228 pounds on that day on a total flow of 5.61 MG. There has been no repeat of the outflow.

The last day for residents to license their dog is April 30<sup>th</sup>. After that date increased fees and penalties apply. Please be sure to visit the Town Clerk's Office not later than April 30, 2007 to obtain a dog license.

American Legion events will be held on April 29, 2007 at 11 AM at the Marston School and 2 PM at the new Town Pier. Both activities are in commemoration of two native sons lost in military action. Please show your support for our past and present service personnel.

The Town Manager received a letter from the Jewell Towne Vineyard requesting permission to sell wine at the Hampton Farmers' Market. The Vineyard requires approval from the Selectmen so they may participate as a vendor at the Market.

Mr. Welch has prepared a letter to Comcast requesting an additional access channel as indicated in the Franchise Agreement.

The Phase II – Hampton Beach Infrastructure Improvement Project will need to be re-bid as the amounts received exceeded the budgeted appropriation.

The lead paint bids at the Beach Fire Station were estimated between \$60,000 to \$80,000 for just the removal of the lead paint and not the cost of repainting. The Town Manager has requested recommendations from the Fire Chief. Until the lead paint issue is resolved, no children or first aid will be permitted in the station.

Tomorrow (April 24<sup>th</sup>), Town Manager Welch, Police Chief Sullivan and Fire Chief Lipe will be presenting a preliminary damage assessment for public assistance to the Senate Committee on Capital Budgeting. To date the Town has accumulated the following estimated expenses due to the April 16<sup>th</sup> flood:

**Debris Clearance:**

Public Works - \$3,305

**Protective Measures:**

Police (overtime) - \$8,400

Fire (overtime) - \$20,680

EOC supplies - \$875

Sand Bagger - \$1,172

Erosion Control - \$1,977

Erosion Control (Sea Wall) - \$275,000

Public Works Trucks - \$2,100

**Water Control Facilities:**

Circulator Pumps - \$25,000  
Staffing (overtime) - \$2,927

**Building and Equipment:**

Concrete Barriers - \$15,000  
Stone - \$10,000  
Sand - \$416  
Police Car - \$25,000  
Fire Station - \$7,500

**BOARD'S RESPONSE TO THE MANAGER'S REPORT**

Mr. Lally asked about Hampton's status regarding the percentage that the Town may be reimbursed. Mr. Welch is hoping to seek reimbursement for the entire amount. If the President proclaims the storm to be an emergency then FEMA funds will become available and there is a possibility of receiving a 100% of storm related expenses.

Chairman Moore believes that the decision made by the Town Manager and Department Heads to secure the homes in danger of sliding into the ocean was appropriate.

**Mrs. Bridle-Russell MOTIONED** to research the possibility of an additional access channel for government and educational purposes as indicated in the franchise agreement between the Town and Comcast. **Mr. Workman SECONDED.**

**VOTE: UNANIMOUS FOR**

**Mrs. Bridle-Russell MOTIONED** to have a nonpublic meeting in accordance to RSA 91-A regarding personnel issues. **Mr. Workman SECONDED.**

**VOTE: UNANIMOUS by role call**

**2. TRENCH APPLICATIONS**

The Selectmen discussed the trench application to install fire service waterlines to 3 K Street as submitted by Aquarion Water Company. All trench applicants will be required to comply with the new policy set by the Selectmen two weeks ago. An Aquarion representative is present at tonight's meeting and is aware of the new policy.

Mrs. Bridle-Russell asked when the property owners of 3 K Street were made aware of the newly required state fire code. A letter was sent by the Fire Department in March of 2006 and the paving of K Street was completed in June of 2006 as part of the Beach Infrastructure Project. It is believed that the property owners delayed the installation of the waterline because they were considering converting the current bar (Guido Murphy's) to a condo/retail type business (which would not be considered a place of assembly).

**Mr. Workman MOTIONED** to approve the trench application submitted by Aquarion Water Company to excavate K Street subject to complying with the new standard as adopted by the Selectmen on April 9, 2007.

**Motion FAILED as it was not seconded.**

The Selectmen went on to discuss the Northern Utilities trench application. There are a number of homes that require new natural gas lines along Tuttle Avenue. It is unfortunate that these homes were missed during the Beach Infrastructure project. It is possible that the Public Utilities Commission may order Northern Utilities and the Town to replace these lines. Mr. Welch has discussed the new patch policy with Northern Utilities and they are willing to comply. Public Works Director recommended that the entire street be repaved.

Mr. Welch pointed out that the Town will receive many more of these applications. The purpose of the Beach Infrastructure Project was to create a suitable infrastructure to attract development in the Beach area. It was noted that property values and business will stagnate if trench applications are not approved in the Beach Area.

Fire Chief Lipe came before the Board to explain that state fire code was changed for places of public assembly as a result of the 2003 West Warwick, RI nightclub tragedy. Fire Prevention Officer True sent letters to all Hampton businesses that needed to comply with the new state code back in May of 2005.

## **V. NEW BUSINESS**

### **1. JEWELL TOWNE VINEYARDS REQUEST**

The Jewell Towne Vineyards does no wine tasting and only sells closed wine bottles.

**Mrs. Bridle-Russell MOTIONED** to permit Jewell Towne Vineyards to be a vendor and sell wine at the Hampton Farmers' Market. **Mr. Lally SECONDED.**

**VOTE: UNANIMOUS FOR**

### **2. REVIEW OF OPERATIONS DURING STORM - APRIL 15 TO 18**

Chairman Moore commended Frank Swift for coordinating the operation that saved many ocean front properties on April 18<sup>th</sup>. There were approximately eight homes along the shoreline that were threatened by high tide and additional rains during April 15 to the 18<sup>th</sup>. There were efforts from the following departments, individuals and organizations: Public Works, Police, Fire, the EOC Director (Fire Chief Lipe), the Deputy Emergency Management Director (Police Chief Sullivan), Building Inspector Schultz, Seabrook Public Works, the NH Department of Transportation, NH Department of Environmental Services, NH Emergency Management, the US Coast Guard, the National Guard, the Red Cross, private contractors, Winnacunnet High School (shelter) Senator Gregg and Sanunu. Without the assistance of people from all of the previously listed departments the feat would have never of succeeded. There was a true unified effort and the operation was complete by 1:30PM that day.

Mr. Welch noted that there was a potential to lose these homes as well as create an environmental hazard.

Chief Lipe mentioned that planning for the storm began Saturday, April 14. The Red Cross setup shelter facilities at the Winnacunnet High School prior to the Monday's (April 16) major rainstorm. There were 20 individuals who used the shelter.

Problematic areas such as Taylor River Estates were monitored carefully.

Chief Lipe is truly proud of how all emergency crews collaborated for a successful outcome. He is also grateful to Chief Sullivan who acted as the Deputy Emergency Management Director and to Paul Paquette, Systems Engineer who were a huge help in the success of the operation.

The Board of Selectmen also expressed their pride in the unified command of the departments.

Chief Lipe noted that the Emergency Plan was revised last year after the Mother's Day storm which proved beneficial. He also pointed out that this rainstorm is a fraction of the damage that a hurricane would cause.

Mr. Welch discussed the notion of creating an ordinance banning home oil tanks along the shoreline.

Mr. Lally mentioned that it would be beneficial if road closures posted on WMUR Channel 9 news.

### **3. LEAD PAINT REMEDIATION – FIRE STATION 1**

The lead paint bids at the Beach Fire Station were estimated between \$60,000 and \$80,000. Mr. Welch has asked Chief Lipe for his recommendations on the subject. He is not in favor of investing significant money into an old building that the Town does not own. There is a need for a new and updated station to meet the needs of today's fire and emergency equipment. The Town Manager also pointed out that children are very susceptible to lead paint and will no longer be allowed in the building. He asked that a contingency plan be developed to abandon the building. Mr. Welch is in favor of closing the building down permanently and seek an alternate location.

The lead paint remediation at the Beach Fire Station will be discussed further at the April 30<sup>th</sup> meeting.

### **4. DISCUSSION OF INTERFACE WITH BUDGET COMMITTEE**

On April 17, Mr. Lally attended the Budget Committee meeting as an Alternate Selectmen Representative on behalf of Mr. Griffin. While at the meeting Mr. Lally experienced being called "names" and degraded by members of the Budget Committee. When Mr. Lally requested the Chairman of the Committee gain control of the meeting she refused. In protest Mr. Lally left the meeting.

To address the situation Mr. Lally asked the Board to set a policy in regard to communicating with the Budget Committee. He also suggested that staff no longer attend Budget Committee meetings as he does not believe it is a good use of their time. By statute department heads are not required to go before the Budget Committee.

Mrs. Bridle-Russell pointed out that the Selectmen are only responsible for providing a copy of the operating budget to the Budget Committee. Mr. Workman is in agreement with Mr. Lally's proposal as he believes that the behavior at the Budget Committee meeting was very disrespectful.

**Mrs. Bridle-Russell MOTIONED** to set a policy that the Selectmen only communicate with the Budget Committee in writing and that staff do not attend Budget Committee meetings. **Mr. Lally SECONDED.**

**VOTE: UNANIMOUS FOR**

## **VI. CONSENT AGENDA**

None

## **VII PUBLIC COMMENTS**

Vic Lessard (100 Timber Swamp Road) asked if the church, Our Lady of the Miraculous Medal (where the Farmers' Market takes place) has been notified regarding the sale of wine at the Farmers' Market. Mr. Moore assumed that the Liquor Commission communicated with the church.

Mr. Lessard also discussed the behavior of the Budget Committee at the April 17<sup>th</sup> meeting. He was appalled by the mean spirited talk that occurred that evening and is disappointed in the behavior as it only creates a wedge between the two Boards. Mr. Lessard loves Hampton and has served on most Boards and Committees. He questioned why the gentlemen who verbally attacked Mr. Lally did not run for Selectmen this year if he disagrees with the Selectmen's decisions.

Mr. Lessard would like to see a new trend start and have people who are members of various Town Committees and Boards talk to one another. He would like to see people be polite and work together. Mr. Lessard said that the "name calling" at the Budget Committee was uncalled for and people will not put up with this behavior. He also concluded by saying that there are a lot of good people in Hampton who do make a difference in the community.

Mary Boynton (27 Taylor River Estates) thanked the emergency crews for a "job well done" during the April 15 to 18 rainstorm. She said that the coordination was much better than they experienced last May and it made a huge difference. Mrs. Boynton said that there were fire trucks that came to Taylor River Estates to check on the residents. She sincerely thanked everyone involved.

Dick Schuuk came before the Board to comment on the injustice that has been inflicted on the Keers. He would like to see the Town investigate how the rear condominium came to be. He said that the Keers have been very good neighbors and would like to see the issue resolved.

Andrew Guthrie (10 Boston Avenue) said that the emergency crews did a great job managing the issues of the storm. He also said that he hates to see a rift between the Budget Committee and the Selectmen he is hopeful that the two organizations can work their differences out.

Mr. Guthrie is at tonight's meeting in support of the Keers. He said that there was a moratorium on bathrooms in the area and that 9R was never to be built. He would also like to see the Town look into the problem that has arose.

Ted Guthrie thanked the emergency crews for their help during the storm. He too is here in support of the Keers. He said that they are great neighbors and it has been an exhausting situation for them. Mr. Guthrie believes that questions have gone unanswered and he requested that the Selectmen look at the facts.

John Nickerson thanked Pete MacKinnon and Brad Jett for making it possible to have six DVD's for Mr. Welch to take to Concord tomorrow for his meeting with the Senate Committee on Capital Budgeting. He also thanked the Director of Public Works for taking care of the drainage issue along his street by putting a temporary French drain in. His street was not inundated with water as much as it was during the last storm.

Mary-Louise Woolsey (148 Little River Road) Chairman of the Budget Committee came to the Board in response to their early discussions about the April 17<sup>th</sup> meeting. She commented on the amount of ridicule she has had from Hampton residents over the many years she has been involved with municipal government. Mrs. Woolsey said that having the Department Heads come to the Budget Committee meetings is so they can get up-to-date information to help them with their decision making process. She said that the reason residents have voted default budgets four years in a row is because the public is upset with the Selectmen spending and the vibe from the Board. She is concerned that the Fire Department is under staffed and that will cause property owners insurance rates to go up. She is also concerned about the debt and believes that it is crippling taxpayers. Mrs. Woolsey also said that she believes that when department heads come before the Committee it is an opportunity to showcase themselves.

Michael Pierce (16 Hedman Avenue), member of the Budget Committee expressed his frustration with the Board. He said that the voters for four years have rejected the budget and does not believe the Board is listening to the desires of the voters.

#### **VIII. CLOSING COMMENTS:**

Mrs. Bridle-Russell noted that the Chairman of the Budget Committee did not provide any clarification in regard to why she allowed the inappropriate behavior to continue. She believes that written communication between is best.

Mr. Lally thanked the five members of the Budget Committee who contacted him after his ordeal at the April 17, Budget Committee.

Mr. Workman pointed out that it is the Selectmen's responsibility to review the operating budget and then pass it on to the Budget Committee.

#### **IX. ADJOURNMENT**

**Mrs. Bridle-Russell MOTIONED** to adjourn at 9:30 PM to a non-public meeting. **Mr. Workman SECONDED.**  
**VOTE: UNANIMOUS FOR**

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Chairman